



DEPARTMENT OF DEFENSE  
CIVILIAN PERSONNEL MANAGEMENT SERVICE  
1400 KEY BOULEVARD  
ARLINGTON, VA 22209-5144

JUN 29 2006

MEMORANDUM FOR THE ADJUTANT GENERAL, MAINE ARMY NATIONAL  
GUARD, ATTN: SMSgt. JEFFREY A. GUESMAN  
HEADQUARTERS, MAINE NATIONAL GUARD  
CAMP KEYES, AUGUSTA, MAINE 04333-0033

SUBJECT: Agreement extension between The Adjutant General, Maine Army National  
Guard and the Association of Civilian Technicians, Pine Tree Chapter #79  
(Lairs No. 080530)

The subject agreement extension, executed on June 7, 2006, has been reviewed  
pursuant to 5 U.S.C. § 7114(c). As agreed to by the parties in Article 30, Section 3.a., the  
agreement will go into effect minus the following disapproved provision:

**a. Article 32, Performance Ratings, sections 7a and 7b:**

“a. Performance expectations will be expressed in terms of quality, quantity, or  
timeliness.”

“b. When it is not possible to write an exception as in 32.7(a) above, they may be stated  
in terms of expected results or manner/method of performance.”

These two sections of provision 7 require that performance standards established by  
management include specified characteristics; i.e., expressed in terms of quality, quantity  
or timeliness, or in terms of expected results or manner/method of performance. As such,  
this provision directly interferes with management’s right under 7106(a)(2)(A) and (B) to  
direct employees and to assign work. It is therefore, non-negotiable. (See National  
Treasury Employees Union and Department of Health and Human Services, Social  
Security Administration, Office of Hearings and Appeals, Baltimore Maryland, 39 FLRA  
No. 25, provision #2.)

The approval of this agreement does not constitute a waiver of or exception to any  
existing law, rule, regulation or published policy.

This action is taken under authority delegated by DoD 1400.25-M, Civilian  
Personnel Manual, Subchapter 711, Labor Management Relations. Please annotate the  
agreement to indicate: Approved by the Department of Defense on **JUN 29 2006**.

Copies of the approved agreement should be forwarded as follows:

a. Defense Civilian Personnel Management Service (DCPMS) Field  
Advisory Services Division, Labor Relations Branch, 1400 Key Blvd., Suite B-200,  
Arlington, Virginia 22209-5144 – two copies and one copy of OPM Form 913-B  
(attached). Also, please send a copy of the approved agreement on disk (Microsoft  
Word, WordPerfect or any standard text format) or e-mail us a copy at  
[labor.relations@cpms.osd.mil](mailto:labor.relations@cpms.osd.mil).

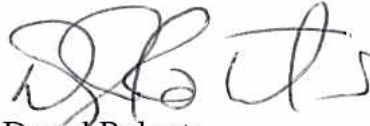
b. National Guard Bureau, ATTN: NGB-HRL, 1411 Jefferson Davis

HRO  
JUL 06 2006  
RECEIVED

Highway, Suite 9100, Arlington, Virginia 22202-3231 – one copy.

If there are any questions concerning the agreement, Dennis Jones can be reached on DSN 426-6301 or commercial (703) 696-6301, extension 417.

A copy of this memo was served on the union by first class mail on JUN 29 2006

A handwritten signature in black ink, appearing to read 'D. Roberts', is positioned above the printed name.

Darryl Roberts

Deputy Director for Labor and Employee Relations

Attachment:

As stated

cc:

Mr. Phil Flagg  
President, Pine Tree Chapter #79  
Association of Civilian Technicians  
41 Know Avenue  
Bangor, ME 04402

National Guard Bureau  
ATTN: NGB-HRL  
1411 Jefferson Davis Highway  
Suite 9100  
Arlington, Virginia 22202-3231